

Mr. Torczon:

I do not believe the added limitations in the examiner's amendment make the claims patentably distinct from the claims of 08/289,290 for reasons following:

Claim Limitation	US Application 10/001,017	US Application 08/289,290
directly injecting multiple doses of a pharmaceutical composition into a tumor	1	1 embraces any route of delivery and multiple injections. Claim 38 states direct injection and embrace more than one. Example VI discloses injecting into tumor using 2 injection sites (page 42)
over a period of 3-8 weeks	1	1 embraces more than one. Example VI states, "tumors will be injected each week on Mondays for 5-7 consecutive weeks".
each dose comprises about 1×10^7 to about 4×10^{12} particle units	1	1 embraces any amount, 32 claims "from 10^8 to 10^{11} virus particles"
replication-deficient adenoviral vector	1	1 embraces the limitation. Specification states, "the adenovirus vector be replication defective" page 17, lines 31-32.